

CENTRAL FAX CENTER

SEP 14 2009

PTOL-413A (07-09)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10749,339 First Named Applicant: Larry Augsburger
Examiner: Eric E. Silverman Art Unit: 1618 Status of Application: Non-final OA

Tentative Participants:

(1) Robert E. McCarthy (2) Daniel J. Nevriy
(3) _____ (4) _____

Proposed Date of Interview: Tuesday, September 15 Proposed Time: 11 AM AM/PM

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Ref., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Double Patenting</u>	<u>1-11</u>	<u>Habib et al.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>102</u>	<u>1-11</u>	<u>Mount/Botzolakis</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>103</u>	<u>1-11</u>	<u>Botzolakis/Habib</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached

Brief Description of Argument to be Presented:

The placebo cushioning component and active loaded particle make up the same bead, granule, particle or pellet and the active cushioning component is different from the particles of Habib, Mount, and Botzolakis. The freeze dried structure is very porous, which is very different from an oven dried structure, which is more compact and dense.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

Daniel J Nevriy

Typed/Printed Name of Applicant or Representative

59,118

Examiner/SPE Signature

Registration Number, if applicable

This collection of information is required by 37 C.F.R. 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 C.F.R. 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.